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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,659	10/24/2003	Jeffrey P. Snover	MS1-1741US	9647
22801	7590	08/08/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			ABEL JALIL, NEVEEN	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/693,659	Applicant(s) SNOVER ET AL.	
	Examiner Neveen Abel-Jalil	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 19, 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19-May-2006 has been entered.
2. The amendment filed on 19-May-2006 has been received and entered. Claims 1-23 are pending.

Claim Objections

3. Claims 1, 11, 14, and 19 are objected to because of the following informalities:

Claims 1, 11, 14, and 19, recite, "that uses" and "for" in various lines, which constitute intended use. It raises the possibility of not having it be a requirement of the invention and it can be an optional choice for implementation and thus making the recitation following not carry patentable weight. Since if the choice is made not to "use" the condition data in obtaining retrieval information. Then none of the steps following have to actually take place. Claims should be amended to add definition of such condition data or active functionality tied to the condition data (i.e. "to", "is", "wherein" or "that" or "based on" or "converting"). Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1, 14, and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is not statutory because it merely recites a number of computing steps without producing any tangible result and/or being limited to a practical application. The use of computer hardware has not been indicated in the body of the claim. There is no hardware or storage tied to the claimed steps in order to realize their functionality.

Furthermore, the claims do not recite a practical application by producing a physical transformation or producing a useful, concrete, and tangible result. In this case the claims fail to produce a tangible result because “processing the set of objects” or “creating an instance” does not indicate presentation or storage of the processed object in order to provide concrete, tangible, result.

Similarly, claims 14, and 19 carry the same deficiency.

6. Claim 1 and 14 are not limited to tangible embodiments. In view of Applicant’s disclosure, specification paragraph 0035, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., data storage devices) and intangible embodiments (e.g., transmission media). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

To overcome this type of 101 rejections the claims need to be amended to include only the physical computer media, i.e. computer readable storage media, would be statutory.

As such, all dependent claims will need to recite "storage medium".

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2, 3, 4, 6, 7, 9, 10, 14, 16, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 3, 6, 7, and 9, recite the limitation "the mechanism" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 4, 16, and 21, recite, "populating the instance" which is vague and confusing how could an instance be populated? Is it meant that the instance will be formed and stored for subsequent use? Or is meant that the string expression will be populated at that instance? Clarification is required.

Claim 7, recite "a relation" in line 3, without any further definition to where this relation came from or what it comprises or how it is being used in light of the present invention. Is it stored or is it used in defining stored objects? The Claim further recite "finding items that the set

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of objects consume based on the relation” which too vague and indefinite since there appears to be no further mention of those items or the consumption. It is unclear what is meant by “consume” in light of the remaining claimed limitations. Clarification is required.

Claim 10; recite “a method” as a part of component stored which is indefinite for failing to point out the scope of the claim. Is the claim including a secondary un-defined method to be performed? Or is there a different process-taking place within the method? A method for doing what? There’s no support or definition in the claim for the method. Correction is required.

Claim 14, line 3, recite “parseable input output” which is vague and confusing, the recitation is either directed to input or to an output but not it possibly to both. Correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3, 5-15, 17-20, and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Gillis et al. (U.S. Patent No. 6,286,035 B1).

As to claim 1, Gillis et al. teaches in an interactive operating environment a computer readable medium having computer executable instructions, the instructions comprising:

receiving a set of objects output from a prior command via an object-based command pipeline (See column 5, lines 39-56); and

processing the set of objects using an operating environment mechanism to resolve each object in the set into a data type (See column 6, lines 63-67).

As to claim 2, Gillis et al. teaches wherein the set of objects is associated with a first data type and the processing by the mechanism comprises looking up a conversion for converting the first data type to the data type (See column 8, lines 32-43).

As to claim 3, Gillis et al. teaches wherein the unresolved string is associated with a data type that is not natively supported by the operating environment, the mechanism comprises retrieving extended information that defines the data type and creating an instance of the data type (See column 7, lines 35-55).

As to claim 5, Gillis et al. teaches further comprising receiving a string via the object-based command pipeline, wherein the string includes a wildcard and the processing by the mechanism comprises producing a subset of the set of objects based on the wildcard.

As to claim 6, Gillis et al. teaches further comprising receiving a string via the object-based command pipeline, wherein the string includes a property set and the processing by the

mechanism comprises identifying a plurality of properties associated with the property set and processing the set of objects based on the plurality of properties (See column 5, lines 57-67).

As to claim 7, Gillis et al. teaches further comprising receiving a string via the object-based command pipeline, wherein the string includes a relation and the processing by the mechanism comprises finding items that the set of objects consume based on the relation (See column 8, lines 7-20).

As to claim 8, Gillis et al. teaches further comprising receiving a string via the object-based command pipeline, wherein the string comprises a property path, the property path comprises a series of components that provide navigation to a desired property of each object in the set (See column 7, lines 5-25).

As to claim 9, Gillis et al. teaches wherein the mechanism performs a look-up to resolve each component (See column 8, lines 11-20).

As to claim 10, Gillis et al. teaches wherein each component comprises a property of each object in the set, a method of each object in the set, a field of each object in the set, a third party property, or a third party method (Due to the “or” the entire selection is deemed to mean be at least one of, see column 8, lines 59-67).

As to claim 11, Gillis et al. teaches wherein the associated object comprises an object associated with a preceding component (See column 2, lines 31-49).

As to claim 12, Gillis et al. teaches wherein the set of objects is received as input to a subsequent command in the object-based command pipeline after processing the set of objects using the operating environment mechanism (See Figure 2).

As to claim 13, Gillis et al. teaches wherein a component comprises a reference to registered code (See Figure 2).

As to claim 14, Gillis et al. teaches a computer readable medium having computer executable instructions, the instructions comprising:

receiving parseable input output from a prior command via an object based command pipeline within an operating environment, the parseable input including content that uses a data type that is not natively supported by the operating environment (See column 5, lines 39-56);

retrieving extended information that defines the data type (See column 6, lines 63-67);
and

creating an instance of the data type (See column 7, lines 35-55).

As to claims 15 and 20, Gillis et al. teaches wherein the parseable input comprises a Windows Management Instrumentation (WMI) input, an ActiveX Data Object (ADO) input, an

XML input, or a third party data format (See column 4, lines 4-11, wherein “third party format” reads on “C++”).

As to claims 17 and 22, Gillis et al. teaches wherein the parseable input comprises a third party object that provides an additional property to an object supported natively within the operating environment (See column 8, lines 44-58).

As to claims 18 and 23, Gillis et al. teaches wherein the parseable input comprises an ontology service (See Figure 2, 150, plain text).

As to claim 19, Gillis et al. teaches a system that extends data types available to an operating environment, the system comprising:

a processor (See column 3, lines 54-65); and

a memory, the memory being allocated for a plurality of computer-executable instructions which are loaded into the memory for execution by the processor (See column 4, lines 58-59), the computer-executable instructions comprising:

For the remaining steps of this claim, the applicant is directed to the remarks and discussions made in claim 1 and 14 above.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4, 16, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillis et al. (U.S. Patent No. 6,286,035 B1) in view of Lawrence, jcmdline Package User Guide Release (hereon Lawrence).

As to claims 4, 16 and 21, Gillis et al. does not teach wherein the extended information comprises extended metadata and code, the extended metadata describes the data type and the code comprises additional instructions to populate the instance of the data type.

Lawrence teaches wherein the extended information comprises extended metadata and code, the extended metadata describes the data type and the code comprises additional instructions to populate the instance of the data type (See page 5, Parameter tags, and page 7, Command Line Handlers section).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Gillis and Lawrence because it simplify processing of command line options and parameters, encourage uniformity of command line conversations and usage display (See Lawrence page 1).

Response to Arguments

13. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

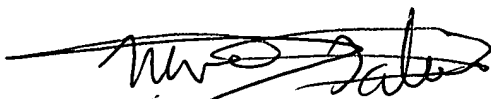
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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074.

The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Neeven Abel-Jalil

August 6, 2006